

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Office for Family Independence
19 Union Street
11 State House Station
Augusta, Maine 04333-0011
Tel.: (207) 624-4168; Toll-Free: (800) 442-6003
TTY: Dial 711 (Maine Relay); Fax: (207) 287-3455

SUBJECT: General Assistance Rule 22 - Access for Certain Non-Citizens
TO: Municipalities providing General Assistance
DATE: October 24, 2019

Dear Municipal Officer:

This memorandum is intended to provide guidance regarding the Department of Health and Human Services' updated policy which defines the eligibility guidelines for General Assistance applicants who are non-citizens.

Emergency rule GA22E went into effect in July of 2019 and defined the "pursuit of a lawful process" which allowed for an applicant to complete an affidavit in order to be considered pursuing a lawful process. The updated GA22A rule, which went into effect on October 16, 2019, includes clarification of the parameters and expectations of what the pursuit of a lawful process would look like.

"Pursuing a Lawful Process to Apply for Immigration Relief"

Individuals that are taking reasonable, good faith steps to apply for immigration relief within twelve months of arrival to the United States, with U.S. Citizenship and Immigration Services or before an immigration judge or federal court, are pursuing a lawful process to apply for immigration relief when that individual (10-144 C.M.R. Chapter 323, Section 2):

- A. Presents documentation of completed application for immigration relief or;
- B. Presents proof consisting of (1) a notice to appear in court, issued subsequent to an individual's request for asylum, from a U.S. Government official such as a border patrol agent or immigration officer, and (2) a copy of an alien's completed change of address form (EOIR-33/IC), if applicable, and (3) a confirmed date for a "master calendar hearing," if scheduled, and (4) an affidavit attesting to the good faith pursuit of asylum or other legal immigration status, which may be accompanied by supporting documentation, including but not limited to: medical records, birth or death certificates, newspaper articles, or reports from national or international human rights organizations or;
- C. Presents proof consisting of (1) an alien number, if one has been issued and; (2) an affidavit attesting to the good faith pursuit of asylum or other legal immigration status.

Some non-citizens who are pursuing a lawful process may have paperwork that shows the applicant is in removal proceedings. The applicant may still be eligible for General Assistance if he or she provides verification of A, B or C above.

Any applicant who does not have an alien number at the time of application may still be eligible for assistance provided the applicant be afforded the opportunity to apply for assistance with the Department and thereafter provides to the administrator the applicant's DHHS client "A number." No first-time applicant should be denied assistance for lack of alien number or DHHS client number.

Repeat applicants are required to document the good faith pursuit of a lawful process and must apply for immigration relief within twelve months of arrival to the United States. Therefore, a non-citizen applicant who has been present in the United States for two months may be in the early stage of collecting supporting documentation and will not have the same expectation as an applicant who has been present in the United States for eleven months. Additionally, a non-citizen applicant who has been present in the United States for over twelve months since the date of arrival, must have documentation of their application for immigration relief to be eligible for General Assistance.

All participants qualified under "pursuing a lawful process" are subject to a benefit limit of 24 months beginning July 1, 2015. The municipality must track and provide to the Department upon request, documentation of the number of assistance months received by any individual who is pursuing a lawful process to apply for immigration relief in that municipality (10-144 C.M.R. Chapter 323, Section 2). The 24-month limit applies only to those eligible individuals who are pursuing a lawful process to apply for immigration relief and not those who are "lawfully present." Please note, when a participant has been granted legal status, s/he will then become "lawfully present" and the time clock will stop accruing. The individual must provide the municipality with the appropriate documentation showing the date when s/he was granted status.

If you have questions concerning the eligibility of an applicant, please do not hesitate to contact the General Assistance Hotline at 1-800-442-6003.

Thank you,

A handwritten signature in blue ink that reads "Sara Russell". The signature is fluid and cursive, with the first name "Sara" and last name "Russell" clearly distinguishable.

Sara Russell, General Assistance Program Manager
Maine Department of Health and Human Services